

**CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, AUGUST 31 AND SEPTEMBER 1, 2009
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

REPORTING THE RESULT OF THE CLOSED SESSION MEETING

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk’s minutes for Open Session for more information. Assistant City Attorney Mary Jo Lanzafame reports the results of the Closed Session Meeting of August 31 and September 1, 2009, as follows:

CLOSED SESSION MEETING FOR MONDAY, AUGUST 1, 2009

Closed Session Items were heard on Tuesday, September 1, 2009.

CLOSED SESSION MEETING FOR TUESDAY, SEPTEMBER 1, 2009

ROLL CALL:

Present: Mayor Sanders, Council President Hueso, Council President Pro Tem Faulconer, and Councilmembers Gloria, Young, Frye, and Emerald

Absent: Councilmember Lightner – Dist. 1 (Absent for the meeting.)
Councilmember DeMaio – Dist. 5 (Absent for the meeting.)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Pacific Torrey Reserve Holdings, LP v. City of San Diego*
San Diego Superior Court Case No. GIC 851874

DCA Assigned: C. Brock

Report: Nothing to report

CS-2 *City of San Diego v. Dudek & Associates*

DCA Assigned: J. Taylor

Report: Nothing to report

CS-3 *Marcus Abbe v. City of San Diego (POA II)*

United States District Court for the Southern District of California Case No. 05-CV-1629 and
United States District Court for the Southern District of California Case No. 06-CV-0538

DCA Assigned: G. Schaefer

Report: Nothing to report

CS-4 *San Diego Police Officers' Association, et al. v. Michael Aguirre, et al.*

U.S. District Court Case No. 05-cv-1581 H (POR) and
Ninth Circuit Case No. 07-560004 (SDPOA 1A)

San Diego Police Officers' Association, et al. v. City of San Diego, et al.
Superior Court Case No. 37-2007-00075432 (SDPOA 1B)

Erica Aaron, et al. v. City of San Diego, et al.
U.S. District Court Case No. 06cv1451 H (POR) (SDPOA 3A)

Erica Aaron, et al. v. City of San Diego, et al.
San Diego Superior Court Case No. 37-2008-00093078 (SDPOA 3B)

Mark S. Annis, et al. v. City of San Diego, et al.
San Diego Superior Court Case No. 37-2008-00092949 (SDPOA 3C)

DCA Assigned: G. Schaefer

Report: Nothing to report

CS-5 *Center for Biological Diversity et al., v. Jim Bartel, et al.*

U.S. District Court Case No. 98cv2234; Ninth Circuit Appeal No. 06-56851

DCAs Assigned: A. Dixon; C. Leone; G. Schaefer

Report: Nothing to report

CS-6 *Rodney L. Dyche v. City of San Diego, et al.*
San Diego Superior Court Case No. 37-2007-00069500
Court of Appeal, Fourth Appellate District, Case No. D053552

DCA Assigned: E. Chan

.Motion: Ratify request for hearing; and do not seek review by Supreme Court - to refrain from seeking further appellate review.
Moved: Council President Pro Tem Faulconer - Dist. 2
Seconded: Council President Hueso - Dist. 8
Vote: 6/0 [Passed]
Absent: Councilmembers Lightner and DeMaio absent for meeting.
Report: The following is the report out regarding this item in Open Session by Assistant City Attorney Mary Jo Lanzafame on Tuesday, September 1, 2009, @3:20 p.m.:

Today, the City Council voted in Closed Session on Item CS-6 in the matter of the *Rodney L. Dyche v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2007-00069500 and Court of Appeal, Fourth Appellate District, Case No. D053552. The Plaintiff sought completed unredacted copies of certain contracts of San Diego Medical Services Enterprises pursuant to the Public Records Act. The Court of Appeal directed the Superior Court to vacate its order denying Plaintiff's petition for a writ of mandate and to issue a new order granting the petition.

The motion was made by Council President Pro Tem Faulconer and seconded by Council President Hueso to refrain from seeking further appellate review.

The motion passed 6 to 0 with Councilmembers Lightner and DeMaio absent.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-7 Property: 3889 Midway Drive, San Diego, CA 92110; Stonewood Garden Apartments Land

Agency Negotiator: James Barwick, Director, Real Estate Assets Department

Negotiating Parties: City of San Diego; San Diego Housing Commission

Under Negotiation: Purchase of fee interest in land under Stonewood Garden Apartments

DCA Assigned: B. Ladewig

Report: Nothing to report

REPORTED BY:


Mary Jo Lanzafame
Assistant City Attorney